

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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CALVIN LEE BROWN,

Plaintiff,

v.

Case No. 20-cv-0206-bhl

KEVIN CARR, et al.,

Defendants.

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**ORDER**

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Plaintiff Calvin Lee Brown, who is representing himself, is proceeding with claims that Defendants violated his First and Eighth Amendment rights. Dkt. No. 13. Defendants filed a motion for summary judgment on July 13, 2021, and the Court entered an order directing Brown to respond to the motion on or before August 12, 2021. Dkt. Nos. 47, 57. Brown has since filed four motions for extension of time, three of which the Court granted and one of which the Court denied as moot because it appeared to be a duplicate filing. Dkt. Nos. 58-59; 61-66. Brown's response materials are currently due on December 13, 2021. Dkt. No. 66.

This matter comes before the Court due to Brown's recent letters updating the Court of his continued problems obtaining the documents he needs to respond to the motion for summary judgment. Dkt. Nos. 67-68. The Court previously detailed the issues Brown has faced in his attempt to obtain these documents from the Wisconsin Department of Corrections (DOC). Dkt. No. 66. Unfortunately, it appears Brown has still not received the documents. This has halted the summary judgment process in this case, because Brown can only obtain the documents he needs

from his prior institution, and that institution has not sent the documents on either of the two USB thumb drives Brown has purchased for this purpose. Dkt. Nos. 67-68.

Brown appears to be doing everything in his power to obtain the documents and comply with the Court's orders; therefore, the Court will extend Brown's deadline to respond to the motion for summary judgement to February 11, 2022. Additionally, the Court will require Defendants' counsel to provide the Court with an explanation by December 20, 2021, as to why it is taking the DOC so long to provide Brown with the documents he has been trying to obtain.

**IT IS THEREFORE ORDERED** that Brown's deadline to file his materials in response to Defendants' motion for summary judgment is extended to **February 11, 2022**. If Brown fails to respond to Defendants' summary judgment motion or fails to explain why he is unable to do so by the deadline, the Court will deem all facts asserted by Defendants as undisputed and may grant the motion as a sanction for Brown's failure to comply with this order and the Local Rules.

**IT IS FURTHER ORDERED** that, by **December 20, 2021**, Defendants' counsel shall provide the Court with an explanation as to why the documents Brown has requested have not been provided to him.

Dated at Milwaukee, Wisconsin on December 13, 2021.

*s/ Brett H. Ludwig*

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BRETT H. LUDWIG

United States District Judge